

Dockerty, Terry

From: CHADATTWOD@aol.com%INTER2 [CHADATTWOD@aol.com] on behalf of CHADATTWOD@aol.com
Sent: Monday, March 31, 2003 1:47 PM
To: Dockerty, Terry
Subject: Letter to be attached to COMMENTS on Doc.No.Ls-02-02/SECTIONS I, II, III



tmp.htm (2 KB)

Dear Mr. Dockerty:

To document our conversation a few minutes ago, I had attempted to send my "Comments" regarding Doc. No. LS-02-02 via electronic mail at "both" of the paths described in that document for response. When I attempt to use the first method marketingclaim@usda.gov, my computer tells me that the website is unavailable. When I attempt to use the other path described, <http://www.ams.usda>, and where the instructions in the document LS-02-02 says a person will find an on line form, I am unable to find an on line form available at that web address.

I phoned the USDA regarding these problems and was directed to you and you have told me that the first path described no longer works. That at some time "after" the drafting of the Doc.No. LS-02-02, the USDA/AMS decided to terminate that website.

As an alternative, you have stated that I may send it directly to you, and that will fulfill my legal requirement for having responded within the deadline, so I am now doing so.

My "comments" are lengthy, and they are in AOL e-mail format. I am sending them in "three" separate e-mails. The first is titled COMMENTS/Doc. No. LS-02-02 USDA/AMS/SECTIONS I and II "requests". The second e mail is titled COMMENTS/Doc.No.LS-02-02 USDA/AMS/SECTION III Comments 1-5. The third e mail is titled COMMENTS/Doc.No.LS-02-02 USDA/AMS/SECTION III Comments 6-8.

All three of these e-mails, when assembled in order of their sending, and attached to this letter and given to the appropriate persons within USDA/AMS by you, will comprise one single document containing the entirety of my comments on these matters.

Sincerely, Chad Attwood

Dockerty, Terry

From: CHADATTWOD@aol.com%INTER2 [CHADATTWOD@aol.com] on behalf of CHADATTWOD@aol.com
Sent: Monday, March 31, 2003 1:48 PM
To: Dockerty, Terry
Subject: COMMENTS/Doc. No. LS-02-02 USDA/AMS/SECTIONS I and II "requests"



tmp.htm (17 KB)

I. Request For Termination of Current Action: Notice and Request for Comments/
and to Properly and Responsibly Provide Equal Access to All Interested Parties,
Industry Professionals and Academia Through Hearings on The Proposed USDA
Standards for Livestock and Meat Marketing Claims.

1. Intentional Negligence/The USDA/Agricultural Marketing Service (hereinafter referred to as USDA/AMS) in the drafting of these proposed Standards for Livestock and Meat Marketing Claims (hereinafter referred to as the proposals), intentionally failed to provide equal access to all interested and entitled parties at the consultation and drafting phase of the creating of these proposals.

A. The author of these proposals, in a conversation with this petitioner, when asked what parties were contacted in the consultation and drafting phase of these proposals stated, "I contacted various academia throughout the nation, knowledgeable about these issues and people within the industry."

When asked by this petitioner who specifically within the "organic industry" were contacted in the consultation and drafting phase of these proposals, they stated, "I was specifically instructed by my supervisors, not to contact anyone within the "organic industry". They further stated that the reason given for the instruction not to consult the organic industry was that the National Organic Standards (hereinafter referred to as the NOS) Rules and Regulations had been so long in the making, and they did not want to interfere in any way with those regulations and further stated that all of the issues covered in "these proposed guidelines" were already thoroughly addressed in the NOS Rules and Regulations.

excerpts from:

USDA CIVIL RIGHTS POLICY STATEMENT

as published at
<http://www.usda.gov/da/cr/Secretarys%20Policy.htm>

"USDA employees are among the finest public servants, committed to ensuring that every customer and colleague is treated with fairness, equality, and respect."

"There is no principle more important. We must comply with every aspect of our Nation's civil rights laws. To do otherwise is simply not acceptable and will not be tolerated."

Ann M. Veneman/Secretary USDA

a. USDA Civil Rights Policies guarantee equal access to all persons to all government funded and non funded USDA programs. AMS, being part of the USDA is required to operate under the USDA's Civil Rights Policies. The USDA/AMS was intentionally negligent, by singling out and intentionally excluding the "organic industry" at the consultation and drafting stage, and by that negligence, indirectly effectively excluding the "organic community" as a whole, at the public comment phase.

b. The USDA has various policy standards ensuring that federally funded programs are equally available to all groups. The USDA/AMS intentionally failed to make this program equally available to all groups.

c. The USDA has policy standards stating that their agencies should consult with advocacy groups and community organizations and include them in the process of developing policy. The USDA/AMS intentionally failed to consult with advocacy groups and community organizations and include them in the development of these policies and proposals.

d. Any involvement by the Administrator for Agricultural Marketing Services, A.J. Yates, in the instruction for the authors of these proposals to intentionally exclude the "organic" industry in the creation of these proposals, since he is a Defendant in a legal action with a portion of the "organic" industry as the Plaintiff, over an issue of outdoor access to chickens, directly related to the terms used in the proposals, was a direct conflict of interest.

e. The use of the terms contained in these proposals "free range and free roaming" have a direct impact to all consumers of organic products.

f. The purpose of these proposals is to "fully inform" not to "intentionally confuse" the consumer and to protect the interests of the producers who desire to make a product of added value and market it effectively.

g. The National Organic Standards Rules and Regulations do not address many of these proposals in any way whatsoever. The authors of these proposals were intentionally misinformed by their supervisors regarding the content of the NOS Rules and Regulation. The author's supervisors, in order to give specific instructions to exclude the "organic industry", knew or should have known the full content of the NOS Rules and Regulations. That they intentionally failed to know the full content of the NOS Rules and Regulations, or did know the full content of the NOS Rules and regulations and gave instructions to the authors of these proposals in order to manipulate the authors and the outcome of these proposals, and through their instructions to the authors of these proposals to exclude the "organic industry", intentionally excluded the "organic" community.

h. Some of these proposals directly conflict with the National Organic Standards Rules and Regulations.

i. Some of the specific terms addressed in these proposals, such as "free range and free roaming" are routinely used in the marketing of "certified organic" products and it is intentional negligence on the part of the USDA/AMS to exclude the input of the "organic industry", regarding the definition and legal use of these terms on product packaging.

Relief Requested: For all of the reasons stated above, the USDA/AMS was intentionally negligent in failing to provide equal access to all parties in the creation of these proposals and has the responsibility to mitigate the damages caused to all parties by ceasing this present action and properly providing equal access to all parties, through the creation of hearings available to all parties, in the consultation and drafting process of these proposals, and subsequently submitting those new proposals to the

public comment process as defined by statute.

In the alternative, if the USDA fails to see the need to provide hearings to provide proper and responsible access to all parties in the creation and drafting of these Proposals, this Petitioner asks that the USDA/AMS terminate this current Action: Notice and Request For Comments and begin anew, the entire process, in compliance with Statute, to include "all" persons equally.

2. All of the matters and allegations set forth in this Request For Termination of Current Action are incorporated into this comment.

Negligence/The Chief, Standardization Branch, Livestock and Seed Program, AMS, USDA, the authors of these proposals and their supervisors, knew, or should have known that these proposals had direct impact on the labeling of "organic" products and that the "organic" community as a whole has concerns regarding these issues and that USDA/AMS was negligent in failing to contact anyone in the "organic" industry regarding the consultation and drafting phases of these proposals, and through that negligence, indirectly excluded the "organic community" as a whole.

Relief Requested: For all of the reasons stated above, the USDA/AMS was negligent in failing to provide equal access to all parties in the creation of these proposals and has the responsibility to mitigate the damages caused to all parties by ceasing this present action and properly providing equal access to all parties, through the creation of hearings available to all parties, in the consultation and drafting process of these proposals, and subsequently submitting those new proposals to the public comment process as defined by statute.

In the alternative, if the USDA fails to see the need to provide hearings to provide proper and responsible access to all parties in the creation and drafting of these Proposals, this Petitioner asks that the USDA/AMS terminate this current Action: Notice and Request For Comments and begin anew, the entire process, in compliance with Statute, to include "all" persons equally.

II. Request for Extension of Deadline for Request for Comments on The Proposed USDA Standards for Livestock and Meat Marketing Claims

1. All of the matters and allegations set forth in the I. Request For Termination of Current Action are incorporated into this II. Request for Extension of Deadline for Request for Comments on the Proposed USDA Standards for Livestock and Meat Marketing Claims.

A. Equal access has been denied by USDA/AMS

B. While recognizing that there is clearly a severe need for clear definitions and Standards for Livestock and Meat Marketing Claims, the apparent need for the USDA/AMS to push through these proposals without equal access to all persons creates a serious danger to the producers, packagers and consumers. That taking the necessary time to provide equal access to all parties in the consultation and drafting of these proposals is necessary and that the benefits created by the future delay of exercising careful and thoughtful preparation of these Standards, will far outweigh the potential damage caused to producers, packagers and consumers by poorly drafted Standards. Poorly drafted Standards will only result in poorly enforced Standards.

C. It is imperative to take the necessary time to draft clear and concise Standards. The National Organic Standards is a perfect example of rules and regulations drafted with so many "weasel clauses", allowing the USDA/NOP and various accredited certification bodies, through their innumerable machinations, to subvert and thwart the Rules and Regulations to

which they have been awarded the public trust to enforce.

A relevant example for review are the present disputes between the National Organic Standards Board, (the advisory committee to the National Organic Program), accredited certification bodies, producers, packagers and consumers against the National Organic Programs Administrator A.J. Yates and Program Manager Richard Matthews, regarding outdoor access for poultry. These issues are specifically detailed in the Administrative Complaint OFPA 03-0001, filed by MICI, NOFA/MASS, an accredited certification body, against the USDA, Ann M. Veneman, Secretary and A.J. Yates, Administrator of the National Organic Program. This dispute demonstrates that even in twelve years of preparation, that rules and regulations, unless properly stated and legally enforced to the last detail, will be subject to almost every imaginable circumvention of the rules, which demands the utmost care and thought to prevent.

D. The USDA/AMS has intentionally excluded the organic industry and organic consumers who have historically shown that they are the people who care the most about quality food. The USDA/AMS has solicited opinions from only the large-scale conventional food producers who's only interest is in additional profits by selling fraudulently labeled food products, through suggesting the creation of Standards with multiple "weasel clauses" and then finding every imaginable loophole in the Standards, making them unenforceable and thereby deceiving the public and capitalizing on the public's desire to support a higher quality of life for animals.

E. The USDA/AMS is intentionally excluding the small, family farmer, the very people who created this quality niche market.

Relief Requested: For all of the reasons stated above and in the I. Request For Termination of Current Action, the petitioner asks that the deadline for Request for Comments of March 31, 2003, be extended for six months, to mitigate the damages caused by the negligence of the USDA/AMS in their exclusion of the "organic" industry in the consultation and drafting stages of the creation of these proposals, so as to allow sufficient time for the "organic" community and other excluded parties to fully mobilize and notify all interested parties in these matters. And further, the petitioner requests that within the first four months of that extension, the USDA/AMS provide hearings on these matters so as to fully facilitate an exchange of ideas so as to provide equal access to all parties as required by the USDA Civil Rights Policy, to create the best possible Standards for Livestock and Meat Marketing Claims and to ensure a fully informed consumer public.

Dockerty, Terry

From: CHADATTWOD@aol.com%INTER2 [CHADATTWOD@aol.com] on behalf of CHADATTWOD@aol.com
Sent: Monday, March 31, 2003 1:48 PM
To: Dockerty, Terry
Subject: COMMENTS/Doc.No.LS-02-02 USDA/AMS/SECTION III Comments 1-5.



tmp.htm (35 KB)

III. Comments

COMMENT 1: All of the matters and allegations set forth in the I. Request For Termination of Current Action and II. Request for Extension of Deadline for Request for Comments on the Proposed USDA Standards for Livestock and Meat Marketing Claims are incorporated into this Comment 1.

RE: Page 79553/Last Paragraph

"The Proposed marketing claim standards may be used in conjunction with existing regulations or voluntary USDA grade standards in USDA Certified and USDA Verified programs."

A. Define "May be used" HOW? 1. To supersede?

To undercut?

2.

To circumvent?

3.

To Thwart?

4.

This is government doublespeak. The USDA has in the past and will inflict these Claims Standards "guidelines into existing Rules and Regulations at their "whim", under the guise of "USDA Policy". The USDA has already demonstrated that they cannot be trusted with the power to decide these issues without significant oversight rules and definitions in place.

a. There is clear evidence that the USDA has and will use "guidelines" to create "USDA policies" which are subsequently used for the purposes of subverting and thwarting clearly written "Rules and Regulations" already published in the Federal Register. When this arbitrary and capricious behavior is coupled with giving sole power to one individual, the Deputy Administrator, regarding any appeals process whose decisions are "Final", the USDA is building in the likelihood of corruption. This exact language is contained in these very Proposals. This petitioner maintains this is no accident on the part of the USDA.

"ABSOLUTE POWER CORRUPTS ABSOLUTELY"

b. The following is a specific example of exactly how the USDA is currently using identical language as is contained in these Proposals to corrupt the public trust for their own selfish ends.

1. Related Documents:OFPA 03-0001 Complaint
OFPA 03-0001

Defendant's Veneman and Yates

"Motion to Dismiss Complaint"

a matter of Public Record and are obtainable at

These documents are

The events are described as follows: These events, when carefully examined, clearly show that this corruption and thwarting of the NOS Rules and Regulations was a premeditated act. The NOS Rules and Regulations became effective October 20, 2002. Individual large producers with disingenuous agendas began lobbying of the USDA and NOSB to change the NOS Rules and Regulations to allow confinement, under the NOS Rules and Regulations, several months "before" October 2002. In response, the NOSB issued an affirming and clarifying recommendation regarding the "outdoor access" for poultry issue. The USDA allowed the "illusion" to exist that these attempts by these individual large producers had failed and that the recommendations from the NOSB would be affirmed. The NOP staff then ignored the law and the recommendations by the NOSB. It appears that all the while, the NOP staff had been secretly meeting with these same large producers to "set up" and "intimidate" an accredited certifier, threatening to withdraw their accreditation, for properly implementing and enforcing the NOS Rules and Regulations regarding outdoor access for poultry. Within days of October 21, 2002, simultaneously with the denial of certification of one producer for multiple noncompliance issues, the NOP immediately attempted to force the accredited certification body to certify that producer who was directly violating the outdoor access Rules and Regulations along with other noncompliance issues. The NOP staff then immediately created a "Policy Statement" regarding outdoor access to poultry, clearly deviating from both the intent and the letter of the NOS Rules and Regulations. NOP Administrator Yates knew clearly that the NOP had failed to create the "peer review panel" required by Statute and had no intention of doing so. NOP Administrator Yates knew full well that the "peer review panel" was the only level of accountability to which he had to answer and that he had successfully negated their existence. NOP Administrator Yates knew full well that he had completely ignored the recommendations of the National Organic Standards Board in the creation of the USDA Policy Statement regarding "outdoor access". He also knew that no one had "noticed" that the NOS Rules and Regulations gave "sole power" to the Administer of the NOP, with regard to Appeals decisions. By Statute, any and all appeals must be made directly to the Administrator and all decisions are FINAL. All that was required for them to get away with this was to create a sufficiently ambiguous "policy statement" to allow them to behave in an arbitrary and capricious way with no accountability whatsoever. And this is precisely what they did.

An appropriate remedy to the dispute described above would be the "enforcement" of the legal requirement of the creation of the "peer review panel" required by Statute or in lieu of that expense, to delegate that power to the NOSB, the advisory panel to the NOP, already established and functioning by Statute, and give them the power to decide all of the issues involved in "all" disputes.

The language contained in these Proposals for Standards for Livestock and Meat Market Claims is "identical" to the language contained in the NOS Rules and Regulations, but will create even more opportunity for manipulation and corruption by USDA and it's Deputy Administrator because it fails to even pretend to create the requirement of any peer oversight whatsoever.

The language goes so far as to say it "may be used" with other existing "Rules and Regulations" effectively making them no longer having a "facade" of guidelines, but an even more insidious "power over" actual "Rules and Regulations", to be applied at the "whim" of one individual, the Deputy Administrator casting "favors" and "punishment" as he sees fit. USDA, through Statute is empire building and creating dictators, right under the noses of the consumer public. The potential for money and power corruption is factually demonstrable and obvious.

For all of the reasons stated above the following is needed:

There must be objective "peer oversight" with regard to the proposed Standards for Livestock and Meat Market Claims, peers who have absolutely no conflict of interests with these matters

COMMENT 2: All of the matters and allegations set forth in the I. Request For Termination of Current Action and II. Request for Extension of Deadline for Request for Comments on the Proposed USDA Standards for Livestock and Meat Marketing Claims and III. Comment 1 are incorporated into this Comment 2.

Re: Page 79554/ Last Paragraph

"USDA Certified or USDA Verified program participants who are notified their programs will be withdrawn may submit a written appeal, within 30 days of program withdrawal notification, to the Deputy Administrator, Livestock and Seed Program, AMS. The Deputy Administrator will respond promptly with a written decision which will be final."

A. Mandating that an Appeal must be made only to the Deputy Administrator and that that decision is "Final", is a denial of due process of law which violates Federal Law.

B. It is a direct conflict of interest for the Deputy Administrator to be appointed Judge, Jury and Executioner in these Proposals because of our more recent experience with dispute within the National Organic Program. It is clear from the dispute described in COMMENT 1. that USDA/AMS feels it is appropriate for the Administrator Yates to play not only Judge, Jury and Executioner, but also Defendant. This is taking American Justice to new levels of absurdity. He gets to Judge himself as the "Defendant" with no accountability whatsoever. The USDA/AMS Secretary Veneman and Administrator Yates are both on record in USDA Administrative Court that they believe that they should have no accountability, documented on public record through their OFPA 03-0111 Motion to Dismiss Complaint.

Because of this breach of the public trust, supported by the Secretary of the Department of Agricultural, no one person should "ever" be trusted to this level of power or responsibility. This country's government is specifically structured to prevent precisely this occurrence. Even the President of the United States is not trusted to this extent. There are three branches of government to prevent dictatorships. Executive, Legislative and Judicial branches. These principles must be applied to USDA as well. Otherwise, we are creating a 21st Century Fiefdom. We have Americans dying in Iraq as this is written, to oust people who believe they have these all encompassing authorities, and simultaneously we are creating similar dictatorships right under our noses.

C. An Appeal Decision which is final, whether it was arrived at legally, or not, when it fails to include any process to provide equal access to any other aggrieved party within that Appeal process, which the language in these Standards fails to provide, that is a denial of due process to any other aggrieved party as well.

a. The language in these Proposals, regarding any Appeals process, creates a scenario where a party, as the only remedy, in writing, submit an Appeal to the Deputy Administrator, with no notice to anyone else whatsoever, in complete secrecy, and further that the Deputy Administrator then gets to submit his answer with regard to the Appeal, which decision is FINAL, still under a cloak of complete secrecy, and no one is the wiser. He merely sends a notice to LCPS that their label approval is no longer valid. No one else will ever know. In the case of the Deputy Administrator having turned a blind eye to violations, he will have overturned a citation by an inspector and the inspector or any other injured party will have no Administrative redress whatsoever. This system from the beginning is CORRUPT.

D. Because of the documented machinations of the USDA/AMS to subvert Rules and Regulations, it is imperative that an

"advisory board" be established to objectively make recommendations which are enforceable upon the Administrator of this program.

E. Establishment of a "peer review panel" is imperative to prevent "all" conflicts of interests which may arise from establishing any one person, the Deputy Administrator or anyone else, as the supreme arbiter. This is the United States, not a third world dictatorship.

Relief Requested: That USDA/AMS correct each and every defect which denies due process to any and all persons, in accordance with all Federal Laws, and further that USDA/AMS establish the "requirement" and enforce the creation of both an Advisory Board and a "peer review panel" to prevent any and all conflicts of interests in the implementation of these Proposed Standards.

COMMENT 3: All of the matters and allegations set forth in the I. Request For Termination of Current Action and II. Request for Extension of Deadline for Request for Comments on the Proposed USDA Standards for Livestock and Meat Marketing Claims and III. Comment 1 and Comment 2. are incorporated into this Comment 3.

Re: Page 79544/Last Paragraph

"Unless otherwise noted, these standards apply to cattle, sheep, swine, their carcasses, and meat products."

A. There is a complete failure on the part of these Proposals to mention "Poultry". The consumer has specific demands with regard to humane treatment of poultry. It is intentional negligence on the part of the USDA/AMS to ignore "Poultry" with regard to these Proposals.

a. For example, the terms "free range and free roaming", as identically addressed in these Proposals are used significantly more on poultry products than almost any other. It is an intentional deception being played on the consumer by the USDA/AMS to "define" terms such as "free roaming and free range" for all livestock animals other than "poultry" and then to exclude "poultry" from these Standards. The consumer has absolutely no way of knowing that the terms "free range and free ranging" as they appear in these Proposals for products of sheep, cattle and swine, do not apply to poultry. The "definitions" should and must apply to "all" livestock, including "poultry". There is no justification whatsoever to separate "poultry" from these definitions. Poultry deserve the same "humane" treatment as other livestock.

b. To separate "poultry" from sheep, cattle and swine, with regard to Standardized labeling, only serves to confuse the consumer, which this petitioner believes is no accident on the part of the USDA/AMS.

c. This ploy on the part of the USDA/AMS is a perfect example of the machinations of USDA/AMS to bow to big money interests and personal power agendas of the authorities of USDA/AMS, to the detriment of the consumer. These ploys only serve to "DECEIVE" the consumer.

B. These Proposals specifically state on page 79553/@Supplementary Information as follows: "Marketing Act of 1946, as amended, directs and authorizes the Secretary of Agricultural to develop and improve standards of quality, condition, quantity, grade, and packaging, and recommend and demonstrate such standards in order to encourage uniformity and consistency in commercial practices."

a. By USDA/AMS's omission of poultry from these Standards, they are intentionally failing to "encourage uniformity and consistency in commercial practices."

Relief Requested: That the USDA/AMS include "fully" all poultry and poultry products in the Proposed Standards, so as to responsibly create and implement

with "integrity" Standards which will meet the goals and requirements stated in the Agricultural Marketing Act of 1946, as amended.

COMMENT 4: All of the matters and allegations set forth in the I. Request For Termination of Current Action and II. Request for Extension of Deadline for Request for Comments on the Proposed USDA Standards for Livestock and Meat Marketing Claims, III. Comment 1, Comment 2, and Comment 3 are incorporated into this Comment 4.

Re: Page 79554/Claims relating to Live Animal Production

"[sbullet] No subtherapeutic antibiotics added, or Not fed antibiotics."....."They may receive treatment for illness provided the approved FDA withdrawal period is observed.

A. There is a clear need that subtherapeutic antibiotics be clearly defined.

B. Additional wording needed: LCPS requires additional information on the label that clearly informs the consumer/purchaser that the animal may have been treated with subtherapeutic antibiotics during the production phase.

a. This exact wording is used in the next level of Claim "[sbullet] No detectable antibiotic residue (analyzed by method 'x')". If it is appropriate wording for "antibiotic residues" where an animal may have been treated with "antibiotics, it should also be appropriate wording for instances where it is clearly known that "subtherapeutic antibiotics" were used, whatever their definition turns out to be.

c. By all appearances, the language contained in these Proposals regarding subtherapeutic antibiotics, is yet another ploy by USDA/AMS to allow producers to label their products as not having antibiotics, even when they do have antibiotics. Another deception being intentionally played on the consumer by USDA/AMS.

Requested Relief: That the definition for [sbullet] No subtherapeutic antibiotics added, or not fed antibiotics" shall additionally have the words: LCPS requires additional information on the label that clearly informs the consumer/purchaser that the animal may have been treated with subtherapeutic antibiotics. And further that any product containing such a confusing term as subtherapeutic antibiotics state the definition clearly on the packaging.

COMMENT 5: All of the matters and allegations set forth in the I. Request For Termination of Current Action and II. Request for Extension of Deadline for Request for Comments on the Proposed USDA Standards for Livestock and Meat Marketing Claims, III. Comment 1, Comment 2, Comment 3 and Comment 4 , are incorporated into this Comment 5.

Re: Page 79555 /Hormone Claims

A. There are two levels of Claims being defined, neither states the circumstance where hormones are actually used by the producer through any or all phases of the lifecycle of the animal.

It is misleading to the consumer as follows. A consumer would likely assume that when there is no mention of hormones on the label whatsoever, that the animal never received supplemental hormones when in reality just the opposite is true.

Relief Requested: For the Proposed Standards to clearly state a requirement that a clear and concise label appear on the product stating that when supplemental hormones are use at any stage of production, that the label clearly states that supplemental hormones were used.

Dockerty, Terry

From: CHADATTWOD@aol.com%INTER2 [CHADATTWOD@aol.com] on behalf of CHADATTWOD@aol.com
Sent: Monday, March 31, 2003 1:49 PM
To: Dockerty, Terry
Subject: COMMENTS/Doc.No.LS-02-02 USDA/AMS/SECTION III Comments 6-8



tmp.htm (32 KB)

COMMENT 6: All of the matters and allegations set forth in the I. Request For Termination of Current Action and II. Request for Extension of Deadline for Request for Comments on the Proposed USDA Standards for Livestock and Meat Marketing Claims, III. Comment 1, Comment 2, Comment 3, Comment 4, and Comment 5 are incorporated into this Comment 6.

Re: Page 79554/ Free Range Claims

A. As a result of the machinations within the National Organic Program with regard to the definitions of outdoor access, the NOP's distortions of the Rules and Regulations to create their "Policy Statement On Outdoor Access", it is necessary to confront these issues in a way to prevent the USDA/AMS from further machinations of the terms "free range and free roaming" through intentionally ambiguous Standards.

B. It is obvious, from the experience gained by observing the various machinations of USDA/AMS regarding the outdoor access issue, that it would be impossible for any person to successfully state in a document all of the behaviors a producer "may not" do with regard to outdoor access or the terms "free range and free roaming".

Therefore, it is much simpler and direct to specify exactly what a producer "must do" so as to remove any and all "weasel clauses".

In this effort for simplicity, directness and clarity I propose the following language regarding the definitions for "free range, free roaming, or pasture raised.

a. Livestock that have had continuous
unconfined full access to pasture
throughout their lifecycle.

Published definitions applicable to
the above statement "a".

- whatsoever
(past tense)
either mentally or physically in any way
choice
immediate and uninterrupted availability
cultivated with forage grasses and other
appropriate to the species being grazed.
1. Livestock- any animal
 2. "have had"-possessed the right
 3. continuous-without interruption
 4. unconfined- not restricted
whatsoever/complete freedom of
 5. "full access" - 100 %
 6. pasture- natural soil
appropriate vegetation

perpendicular line at any given place on
up one will see sky and looking
earth with vegetation.

Drawing a hypothetical
the "pasture", looking straight
straight down, one will see

Pasture Space Requirements:

Outdoors

"The outdoors space provided for [animals] must be adequate in design to accommodate the carrying capacity of the land. Plans for the outdoor access and land associated must be included in the organic farm plan and in place prior to [animals] being raised on the premises.

Carrying capacity of the land will be determined by careful monitoring and record keeping by the farmer.

Carrying capacity is a measure of the number of [animals] on a given land area before damage to the land and vegetation becomes severe.

Determination of carrying capacity will be made based on individual farm situations. Soil type and characteristics, time of the year, weather, plant species making up the vegetation in place, rotation plans including the use of crops to follow animal use of land, are some of the issues that must be considered. Farmers can be assisted in this through the Natural Resources and Conservation Service found in their county or state.

The outdoor space must be maintained under vegetative cover and since animals will denude plants around buildings, bedding must then be used to cover area and a plan for regeneration and rotation must be in place and followed."

b. It is imperative that "minimum" space requirements are stated clearly in the Standards for each species.

An example would be: "Movable pen production of
poultry , such as pasture

where the birds are enclosed except for
vegetative floor provides the necessary
as required.

poultry cages
access to a
access to outdoors

poultry within a movable pen system must
not overcrowd or stress the birds.
footage space per bird must be
full grown birds. Space for growing
adjusted pro rata according to their weight.

Spacing for
be adequate as to
The minimum square
3 square feet for
birds may be

range birds will a minimum of 10 sq. ft.
birds per acre or [more] if soil and
conditions are at risk."

Space for free
per bird or 405
environmental

excerpted from "Draft Recommendations
Concerning Organic Poultry Production

Hadad,Robert,
for Regulations
and Outdoor

February 14,

b. This simple one line definition "a", removes any need of the additional wording contained in these Proposals regarding feedlots or percentages of time outside for swine, as both circumstances do not meet the stated criteria and would by definition prevent a producer from making a Marketing Claim of "free range, free roaming or pasture raised.

c. While it may seem absurd to go to such great lengths to "define" these terms, these very definitions "weasel proof" the Standard, which is obviously necessary to protect the conscientious producers and consumers interests in light of the USDA/AMS's misbehaviors and machinations.

C. Producers must clearly verify how livestock are cared for during normal and inclement weather conditions, birthing, or other conditions that would merit "special protection".

D. Special circumstances resulted in the "temporary confinement" of any animal should "never" exceed 5% of the entire lifecycle of that specific animal.

E. These three terms, free range, free roaming and pasture raised should be the "only" allowable terms for labels on packaging to define all types of outdoor access. Any others should be prohibited for the following reasons.

a. The "weasels" will think of endless new terms which to the consumer, will essentially mean the same things, and these new will be unregulated, and confuse and deceive the consumer, which is precisely what these Standards are purported by the USDA/AMS to prevent.

Relief Requested: The petitioner asks that the above language and definitions be fully incorporated into the Proposed Standards language and delete all other language which becomes moot by incorporating these definitions.

COMMENT 7: All of the matters and allegations set forth in the I. Request For Termination of Current Action and II. Request for Extension of Deadline for Request for Comments on the Proposed USDA Standards for Livestock and Meat Marketing Claims, III. Comment 1, Comment 2, Comment 3, Comment 4, and Comment 5, Comment 6 are incorporated into this

Comment 7.

Re: Page 79555/Grass Fed Claims/[bull]Grass Fed.----

[bull]Grass Fed.---Grass, green or range pasture, or forage shall be 80% or more of the primary energy source throughout the animal's lifecycle.

A. In the Background section of Grass Fed Claims, it already states and defines the allowable reasons for "limited supplemental" grain feeding. This 80% limitation is merely allowing an automatic 20% "weasel clause", which serves no purpose than to diminish the added value, perceived by a large cross section of consumers by fully "grass fed" animals.

B. The market niche for 100% grass fed animals has already been created. There are producers that produce 100% grass fed animals and there are consumers who desire and purchase 100% grass fed cattle.

a. USDA/AMS's attempt to water down the 100% requirement is an infringement on the rights of those producers and consumers who all desire and benefit from the 100% threshold.

b. If USDA/AMS feels that there is also another unexplored market niche for producers and consumers who want to produce and consume 80% grass fed animals, then create an 80% label, but it is an infringement to deprive the other parties from their 100% label.

c. Yet another ploy by USDA/AMS to deprive the consumer of what they have historically demonstrated that they desire, to satisfy big money interests and personal power agendas. The USDA/AMS works for the consumer, not the other way around.

Relief Requested: Change the Proposed language in these Proposals from 80% to 100% to protect the rights of an existing product and it's consumers, or if USDA/AMS feels that there are additional market niches for 80%, or even 90% or even 33% grass fed animals, then to enforce accurate labeling of the grass fed content of the animal on the packaging, but simultaneously, in no way take away the right of the parties who desire 100% grass fed animal products and their honest labeling.

COMMENT 8:

Personal Mission: I am a Maryland Consumer of Organic Products. These comments are sent with the intent to force the USDA to carry out the "public trust" that they have been given, with full and transparent integrity, to the best interest of the producers and consumers who demand and support natural and sustainable practices, and the nation as a whole. I, like many Americans am fed up with rampant government and corporate corruption. I personally am fed up with the USDA's constant thwarting of and undermining of thousands of peoples hard work and desires to strive for quality and integrity. I am grateful that United States laws provide me with this venue to fight back. I do not necessarily believe that this opportunity and venue to fight back will have any effect whatsoever, as it is the persons I directly accuse of these machinations and unlawful acts who will make the final decisions on these matters. This system essentially allows these persons to judge themselves. There is no accountability. This is the precise problem which requires a full confrontation by the entire American public. This system needs a complete overhaul.

It IS NOT the mission of the USDA to subvert the desires and needs of the very people who employ them and who they are supposed to be serving. It IS NOT the mission of the USDA to ignore and/or subvert existing law to bow to big money interests or their own personal power agendas. The current

behavior of various persons in authority at the USDA is disgraceful and unlawful and the Secretary of the USDA should demand that each and every individual involved in these machinations should be held personally accountable for their unlawful actions in a court of law.

It is very unfortunate and disappointing that the USDA/AMS, using the public's own money, is actively adversarial to the very people who depend on them to responsibly implement the public trust and who pay their salaries. This is a sad state of affairs.